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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,320	03/02/2004	Brian D. Clark	P06621US00	4393

27139 7590 08/09/2007  
MCKEE, VOORHEES & SEASE, P.L.C.  
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801 GRAND AVENUE, SUITE 3200  
DES MOINES, IA 50309-2721

EXAMINER
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STINSON, FRANKIE L

ART UNIT	PAPER NUMBER
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1746

MAIL DATE	DELIVERY MODE
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08/09/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/792,320

Applicant(s)

CLARK ET AL.

Examiner

FRANKIE L. STINSON

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3-2-4
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 17, 18 and 20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Burkland (U. S. Pat. No. 3,603,121).

Re claims 1 and 18 for example, note that Burkland is cited disclosing

a mounting bracket for a pump of a washing machine, the machine having a base (22),

the mounting bracket, comprising:

a body having a lower portion (61) adapted to mount on the washing machine base and

having an upper portion (63) adapted to support the pump;

a damper (64 or 65) between the upper and lower portions to dampen vibrations

generated by the pump (21) and:

the body and damper being separately formed components.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-11, 19, 21 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burkland in view of Ueda et al. (U. S. Pat. No. 5,020,767) or Neher (U. S. Pat. No. 2,881,995) or Ishikawa et al. (U. S. Pat. No. 6,352,247).

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Claims 4-10, 19 and 24-26 define over Burkland only in the recitation of the specific construction arrangement, namely, the damper being pressed, injection molded, mechanically locked, or the one-piece construction. Nonetheless, to employ such, is deemed to be a mere substitution of equivalent mechanical expedients. It is old and well known to employ the use of various construction techniques with respect to material cost, working environments and construction labor expense. Re claim 11, Burkland, Ueda, Neher and Ishikawa all disclose mounting legs. Re claims 21, Neher discloses the c-shaped bracket.

5. Claims 12, 13, 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied art as applied to claims 1-11, 17-21 and 24-26 above, and further in view of Johnson (U. S. Pat. No. 6,141,995), Neuder et al. (U. S. Pat. No. 5,044,883) or Ellegard (U. S. Pat. No. 4,757,786).

Claims 12, 13, 15 and 22 define over the applied prior art only in the recitation of the twist lock. Johnson, Neuder and Ellegard (col. 6, line37) are each cited disclosing the arrangement of twist locking a pump. Therefore, to employ a twist lock as taught by Johnson, Neuder and Ellegard, in the arrangement of Burkland, as proposedly modified, would have been obvious to one having ordinary skill in the art, since this is considered to be a mere substitution of equivalents.

6. Claims 14, 16 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied art as applied to claims 1-11, 17-21 and 24-26 above, and further in view of either Gatti et al. (U. S. Pat. No. 4,713,714) or Japan'200 (Japan 2001-304200).

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Claims 14 and 16 define over the applied prior art only in the recitation of the openings for the legs. Gatti and Japan'200 each disclose an anti-vibration bracket, where there are openings (as at 82 in Gatti and 19c in Japan'200) as claimed. It therefore would have been obvious to one having ordinary skill in the art to modify the arrangement in Burkland, as proposedly modified, to employ openings as taught by either Gatti or Japan'200, for the purpose of providing a positive securing means. Re claims 23, Japan'200 discloses the base having tab (screws to be inserted into openings 26) as claimed.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Toyoshima et al., Story et al., UK'754, Morrill, France'385, Japan'896, Japan'040, Germany'616Germany'455, Yoon, Japan'529, Hollerith, Roddy, Wistinghausen, and Kneer et al., note the brackets.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:00 pm and some Saturdays from approximately 5:30 am to 11:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fls



FRANKIE L. STINSON  
Primary Examiner  
GROUP ART UNIT 1746